

REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the Claims and the following remarks.

Claim Status

Claims 1-20 had been examined in the Office Action. This Response amends Claims 1, 4, 7 and 10 to add the limitations of Claim 13, thus, Claim 13 has been cancelled.

Because of the cancellation of Claim 13, Claims 14 and 15 have also been amended to change their dependency from Claim 13 to Claim 1.

The claims remaining for prosecution are Claims 1-12 and 14-20.

Given the fact that Claims 1, 4, 7 and 10 have been amended to add the limitation of Claim 13, it is respectfully submitted that no new matter has been entered by way of this amendment.

Interview

Applicant's below signed representative would like to take this opportunity to thank Examiner Chea for the courtesies extended to him during the Telephone Interview of June 7, 2005.

As discussed during the Interview, one of the novel aspects of the present Invention is that Applicant discovered that, by controlling the regression line, superior image quality can be obtained. This aspect is brought out in the Application on page 11, starting at line 5. Applicant discloses, in the paragraph bridging pages 11 and 12, control of the regression line can be obtained by using certain chemical agents such as agents capable of changing the shape of the developed silver. As brought out in the first full paragraph on page 12, agents that are capable of changing the shape of the developed silver are reducing agents. In fact, each of the independent claims herein, Claims 1, 4, 7 and 10 have been amended herein to particularly point out and distinctly claim that two of the agents that can be used to

control the regression line are compounds represented by Formula (A-1) and compounds represented by Formula (A-4).

The Tables on pages 208 to 210 of the Application, point out the unique aspects of employing compounds of Formula (A-1) and (A-4) in combination in order to control the regression line. As brought out in these Tables, superior image quality is obtained when the compounds of (A-1) and (A-4) are employed in certain amounts so as to control the regression line and provide the specific coefficient of determination as recited in the claims.

Applicant submits that the claims amended herein define over the references because none of the references teach or suggest control of the regression line, obtaining a coefficient of determination within the claimed range and none of the references inherently possess the coefficient of determination as recited in the claims.

Applicant reminds the Examiner of the previously submitted Declaration of Mr. Yanagisawa which demonstrated that none of the applied references inherently possess the coefficient of determination R_2 as recited in the claims.

Rejection

The Examiner has put forward six different rejections. Specifically, Claims 1-20 had been rejected as being anticipated by or unpatentable over EP 1278101 or its U.S. equivalent, Nishijima. Claims 1-12 and 18-20 had been rejected as being anticipated by or unpatentable over Oya or Van Ackere or Iwasaki. Claims 1-13 and 18-20 had been rejected as being anticipated by or obvious over Yoshioka while, finally, Claims 13-20 had been rejected as being unpatentable over Oya.

With respect to the rejection based on Oya, Van Ackere or Iwasaki, it is submitted that the Examiner recognizes that neither one of these teach or suggest a combination of compounds of Formula (A-1) in combination with a compound of Formula (A-4).

With respect to Oya, Van Ackere and Iwaki as well as the other remaining references of Nishijima (EP '101) and Yoshioka, none of these references teach the importance of controlling the regression line to obtain the coefficient determination of R_2 . Additionally, since none of these references teach or suggest controlling the regression line, it is submitted that none of these references can teach or suggest arriving at the coefficient determination R_2 as specifically recited in the claims.

Furthermore, Applicant submits that he has demonstrated that none of these references inherently possess the coefficient determination as recited in the claims.

Weight should be attributed to the fact that Applicant has demonstrates in Tables 1-3 of the Application as contained on pages 208-210, that, when the R_2 value, as recited in the claims of the present Invention, is obtained by controlling the addition of the compound of Formula (A-1) and the addition of compound of formula (A-4), superior image quality is obtained. Respectfully, such is not taught nor suggested in the cited references.

As discussed during the Interview, it is submitted that Applicant has amended his claims to distinguish over the cited references and, based on the Declaration previously submitted of Mr. Yanagisawa and based on the data as presented in Tables 1-3 of the Application, pages 208-210, Applicant has demonstrated the superior quality and the unique aspects of the present Invention.

Double Patenting Rejection

Claims 1-20 had been rejected under the judicially created obviousness-type patenting rejection based on the claims of U.S. Patent 6,699,649. Applicant submits that he has demonstrated that

the '649 Patent does not possess a coefficient determination as recited in the claims and does not teach nor suggest controlling their regression line to obtain such a coefficient determination. Thus, it is respectfully submitted that the present Invention is an obvious variant over the teachings of the '649 Patent.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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